

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

COREY L. HARRIS, et al)	CA 04-281 ERIE
Plaintiffs)	
)	
v.)	JUDGE SEAN J. McLAUGHLIN/
)	MAGISTRATE JUDGE SUSAN
GREATER ERIE COMMUNITY ACTION)	PARADISE BAXTER
COMMITTEE, et al.,)	
Defendants)	Electronically Filed

**MOTION TO DISMISS PLAINTIFF'S AMENDED
COMPLAINT**

Defendant S.P. Black & Associates, by its attorneys, MacDonald, Illig, Jones & Britton LLP, files this Motion to Dismiss Plaintiff's Amended Complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure:

1. *Pro se* plaintiff Corey L. Harris filed a Complaint against defendant S.P. Black & Associates and others on December 22, 2004.
2. Subsequently, plaintiff filed a Motion to Amend Complaint, which this Court granted on July 28, 2005.
3. In Paragraph 5 of his original Complaint, plaintiff alleges that:

Defendant (S.P. Black & Associates), using 9/11/01 as an excuse, made it impossible for Plaintiff's transportation service, CH Services Provider, to operate 24/7 to and from work transportation to accommodate accessible and affordable transportation to the inner city community.
4. While plaintiff does not allege what it was that defendant S.P. Black & Associates did to preclude him from operating his business, it is believed that the gist of plaintiff's claim relates to a premium quote for commercial automobile insurance that defendant S.P. Black &

Associates provided to plaintiff on or about January 21, 2002. (A copy of said quote, which appears as Exhibit 11 to plaintiff's Petition to Amend Complaint, is attached hereto as Exhibit A).

5. Although plaintiff implies that the quote was unreasonably high, nowhere in his Amended Complaint does he allege that defendant S.P. Black & Associates discriminated against him on any basis in providing the quote.

6. Nor does plaintiff allege that defendant S.P. Black & Associates precluded him from seeking coverage from another agency.

7. The only statutes and/or legal theories that plaintiff cites in support of his claim are the "Corporation Act" and the "Poverty Level Act", neither of which exist.

8. Because plaintiff's factual allegations, even if true, fail to support a claim that would entitle him to relief, his Amended Complaint should be dismissed as to defendant S.P. Black & Associates pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

WHEREFORE, defendant S.P. Black & Associates respectfully requests that this Honorable Court dismiss plaintiff's claims against it with prejudice.

Respectfully submitted,

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon all other parties appearing of record by First-Class United States Mail sent on September 7, 2005.

s/ Matthew W. Fuchs

s/ Matthew W. Fuchs

Matthew W. Fuchs

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